

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

PAUL GRAZIANO,

Plaintiff,

-vs-

NESCO SERVICE COMPANY, et al.,
Defendants.

: CASE NO. 1:09 CV 2661
:
:
:

: ORDER ADOPTING REPORT AND
: RECOMMENDATION
:
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This matter was referred to United States Magistrate Judge Greg White for a Report and Recommendation ("R&R") pursuant to Local Civil Rule 72.2(b)(2). In his R&R, Magistrate Judge White recommends (1) granting Defendants Nesco Service Company's ("Nesco") and Nesco's President, John Tomsich's Motion to Dismiss Count Three (the fraud claim) of Mr. Graziano's Amended Complaint; (2) granting Nesco's and defendant Preferred Benefit Administrators' ("PBA") Motion for Partial Summary Judgment on Count Six (provision of COBRA notice) of the Amended Complaint; and, (3) declaring moot PBA's Motion for Summary Judgment as to all counts of the Amended Complaint.

No party has objected to the Magistrate Judge's R&R. Therefore, this Court will presume the parties are satisfied with the determination. Any further review by this

Court would be a duplicative and inefficient use of the Court's limited resources.

Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Accordingly, the Magistrate Judge's R&R is adopted, only Counts I, II, IV, and V of the Amended Complaint remain.

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE